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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Note verbale dated 24 February 1994 from the Permanent Mission of the Arab Republic of Egypt to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights

The Permanent Mission of the Arab Republic of Egypt presents its compliments to the secretariat, and, with reference to the latter's note number G/SO 214 (53-8) concerning the report submitted by Mr. Nigel S. Rodley, Special Rapporteur of the Commission on Human Rights on the question of torture and the fact that the reply provided by the Government of Egypt was not included in the report, has the honour to request that the above-mentioned reply be circulated as an official document of the fiftieth session of the Commission on Human Rights.

Reply to the questions of the Special Rapporteur of the Commission on Human Rights on torture

1. Egypt regards torture not only as an act that is condemned by divinely-revealed religions but also as an inhuman practice that is incompatible with international norms and conventions. Egyptian penal legislation concerning the crime of torture has been amended on several occasions in such a way as to incorporate important principles relating to the manner in which this crime should be dealt with and the penalties prescribed therefore have been increased. This attitude is illustrated by Egypt's eager accession to the Convention against Torture in 1986 without the expression of any reservations concerning its provisions.

2. Egypt is also eager to protect democracy, freedom of opinion and belief and the security of its citizens and foreign residents against the dangers of terrorism, as well as the threat that such terrorism poses to those rights and freedoms, within the framework of its Constitution and law in spite of the direct violence to which the security forces are exposed either as targets or when executing warrants for the arrest of suspects in terrorist incidents, as a result of which many members of those forces have lost their lives.

3. The complaints referred to, concerning various violations, should be dealt with in the light of the above, taking the following factors into consideration.

With regard to torture

4. Egypt's legislation covering all aspects of the crime of torture is applicable even during a state of emergency and the criminal or civil proceedings to which that crime gives rise are not subject to any statute of limitations.

5. An office to investigate cases of torture has been established and attached to the Office of the Attorney-General. It is staffed by a number of experienced members of the Department of Public Prosecutions in order to ensure the prompt completion of the procedures and medical reports and the rapid gathering of the information required for the purposes of the investigations.

6. The body endowed with technical medical expertise in this field is the Department of Forensic Medicine. This is an independent body, attached to the Ministry of Justice, to which the Egyptian Organization for Human Rights, which was in the course of being established, awarded its Human Rights prize in 1992.

7. Twenty-seven of the persons suspected of involvement in the assassination of the Speaker of the People's Assembly were acquitted, on the ground that they had been subjected to torture, in the light of the findings of the competent technical body, which, naturally, was the Department of Forensic Medicine.

8. Since the beginning of 1992, custodial sentences have been passed on 15 policemen and officers convicted of assaulting citizens and 39 others

have appeared before disciplinary tribunals on the same charge. The Office of the Attorney-General referred eight of the latter cases to the criminal courts to face charges of torture and compensation was awarded in the cases in which acts of torture were found to have been committed (details of the compensation awards during the period 1987-1993 are annexed hereto).

9. Whenever an act of torture is reported to the Department of Public Prosecutions either by the victim of the act or by his relatives, the Department has the right to send a representative to the scene of the reported incident, wherever it may be, and this applies even in the case of administrative detainees.

10. The allegation concerning the torture of political detainees in prisons or their transfer to premises of the State Security Police is refuted not only by the fact that judicial bodies exercise their right to monitor and inspect prisons but also by the stable security situation in those prisons, in which, due to the overcrowded conditions, disturbances and acts of violence would have occurred if that allegation were true. Further proof of the unfounded nature of that allegation can be found in the fact that officials from some international non-governmental organizations have been permitted to visit the headquarters of the State Security Police and a large number of prisons.

11. In a State that enjoys comprehensive and effective legislation and a fully independent judiciary, as attested by various international forums and human rights treaty bodies, it is impossible and inconceivable that torture could be a customary practice. Even on the assumption that some of the complaints are true, in view of the above these constitute exceptional and individual cases that are condemned and punished by law.

With regard to prisons

12. Like many countries of the world, Egypt is faced with the problem of overcrowded penal institutions and is making every endeavour, in so far as its economic circumstances and other priorities permit, to establish new prisons and modernize existing ones. However, this has not prevented diligent care for the social, health and cultural welfare of prisoners and respect for their rights in accordance with the legislation governing prisons.

13. Flogging is a legal disciplinary penalty, prescribed in the Prisons Act, which is imposed in accordance with that Act with due regard for the stipulated conditions and safeguards. It is a penalty that is imposed in many countries of the world with a view to maintaining security and order in penal institutions in a manner appropriate to the nature of the tasks assigned to them and the extent of the danger posed by the persons confined therein.

14. The legal provisions concerning inspection and monitoring of penal institutions by the Ministry of Justice and the Department of Public Prosecutions are being implemented and the action taken in this regard is noted in the official records of those institutions. Such monitoring and inspection takes place periodically or without notice whenever a complaint or report is received concerning torture or illegal detention.

With regard to the Central Security camps

15. The Central Security Forces are assigned to perform specific tasks, such as protecting important and strategic installations and ensuring the safety of eminent foreign personalities visiting the country. Their camps are situated at a considerable distance from densely populated areas, since the nature of their work differs from that of the police forces and their responsibilities do not overlap with those of other sectors.

16. The Central Security Forces camps contain prisons intended for members of the police force who have been sentenced to penalties of up to one year's imprisonment. These prisons, which are established in accordance with ministerial decisions, are subject to judicial supervision and the Department of Public Prosecutions has the right to inspect them if it receives a report concerning a violation of the law therein.

17. The confinement of suspects in political or terrorist cases in the same prisons in which members of the police force are serving sentences is totally illogical. This refutes the allegation that prisons in the Central Security Forces camps are used as detention centres.

IV. Comments on the cases referred to in the two annexes to the Special Rapporteur's letter are attached hereto. Notwithstanding the inadequacy of the information provided concerning most of the cases referred to in the letter, the Department of Public Prosecutions will regard the contents of that letter as reports submitted to it and will conduct investigations with a view to establishing the truth in that connection.

List of cases referred to in the report of the Special Rapporteur on torture

I. Cases of alleged torture in Central Security camps

1. Muhammad Bakri al-Shaikh
2. Osama Bahi ed-Din Mahmoud
3. Mustafa Sadiq Ibrahim Musa
4. Gamil Hassan Metwalli
5. Ashraf Abul-Hassan Ibrahim
6. Sabir Hamza Mubarak
7. Muhammad Alawi Ali
8. Hassan Mekkawi Hussein Mekkawi
9. Atiyya Ahmad Muhammad
10. Midhat al-Sayyid Ahmad

Muhammad Bakri al-Shaikh Ahmad

18. On 9 February 1990, five terrorists went to a video club in the town of Asyut, poured petrol inside it and set fire to it, as a result of which it burnt down and a citizen who happened to be on the premises suffered a contusion on the scalp after attempting to apprehend one of them.

19. Information obtained during inquiries confirmed that a group of terrorists (who were identified) had committed that act and a warrant for their arrest was therefore requested from the Department of Public Prosecutions.

20. The person in question presented himself, of his own free will, to the Department of Public Prosecutions as a witness for the prosecution and not as a suspect. The Department of Public Prosecutions listened to his statements, in which he gave details of the perpetrators of the above-mentioned offence, as well as their respective roles therein.

21. From the above, it is evident that the person in question was not a suspect but was merely a witness for the prosecution in connection with that offence.

Osama Bahi ed-Din Mahmoud al-Qadhi

22. He is a leading member of a clandestine terrorist organization that condones the use of violence and terrorism to impose its extremist ideology and beliefs on society.

23. He had previously been accused in administrative complaint No. 2032, 2nd Precinct, Asyut, in 1987 (distribution of pamphlets).

24. He had previously been accused in administrative complaint No. 443/88, Abu Tig (assault on police officers).

25. He had previously been accused in administrative complaint No. 675/88, 1st Precinct, Asyut (assault on police officers and disruption of the holding of a sports day at Asyut University).

26. He had previously been accused in civil complaint No. 24, Abu Tig, in 1990 (assault on a private citizen).

27. On 11 November 1991, a ministerial order was issued for his detention in order to avert the security risk that he posed in view of his previous commission of numerous offences and in the light of available information concerning his intention to participate with other members of the organization in the commission of crimes of violence and terrorism.

28. He appeared before the Emergency Division of the Higher State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the Court concerning his remand in custody at a place not intended for that purpose.

29. The detention order was executed at Turah holding prison.

30. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Gamil Hassan Metwalli Sayyid

31. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

32. On 29 November 1991, a ministerial order was issued for his detention due to his commission of acts of violence and assaults with a view to imposing extremist ideology on society. He was released on 3 March 1992.

33. He appeared before the Emergency Division of the Higher State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the Court concerning his remand in custody at a place not intended for that purpose.

34. The detention order was executed at Turah holding prison.

35. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Mustafa Sadiq Ibrahim Musa

36. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

37. He was previously accused in civil complaint No. 2, Deirut central, on 19 December 1991 (assault on a private citizen).

38. On 31 December 1991, the Minister of the Interior ordered his detention in the light of confirmed information to the effect that he and others intended to commit acts of violence and assaults. On 30 January 1992, the State Security Court ordered his release and the necessary measures were taken to that end.

39. He appeared before the Emergency Division of the Higher State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the Court concerning his remand in custody at a place not intended for that purpose.

40. The detention order was executed at Turah holding prison.

41. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Ashraf Abul-Hassan Ibrahim Qasim

42. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology on society.

43. He had previously been accused in misdemeanour case No. 1864/88, Qena police station (participation in assaults on members of the Nur Muhammadi Association in the town of Qena).

44. He had previously been accused in Higher State Security case No. 550/1988 (establishment of a clandestine opposition organization in the governorate of Qena).

45. On 31 July 1992, a ministerial order was issued for his arrest in the light of information to the effect that he and others intended to commit acts of violence and terrorism. On 26 September 1992, the State Security Court ordered his release and this order was carried out.

46. He appeared before the Emergency Division of the Higher State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the Court concerning his remand in custody at a place not intended for that purpose.

47. The detention order was executed at Turah holding prison.

48. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Sabir Hamza Ahmad Mubarak

49. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

50. He had previously been accused in Higher State Security case No. 550 of 1988 (attacks on property and facilities belonging to members of the Christian community).

51. He had previously been accused in Higher State Security case No. 585 of 1988 (assault on the imam of a mosque and disruption of religious services).

52. He had previously been accused in felony case No. 54 of 1992, Qena (discovery of two unlicensed pistols at his place of residence).

53. The Criminal Court sentenced him, in absentia, to three years' imprisonment in felony case No. 2721 of 1992, Qena (attack on a wedding party in the Hamidat area).

54. The Court sentenced him to penal servitude for life in Higher State Security case No. 553 of 1992, which was registered as felony case No. 6 of 1993, military (terrorist plan to attack tourists).

55. On 31 July 1992, he was arrested pursuant to a ministerial order for his detention and was confined in Marg prison. At that time, he appeared before the Department of Public Prosecutions in connection with felony case No. 2704 of 1992, Qena (unlicensed possession of a weapon) and claimed to have been

subjected to torture. The forensic examination that he underwent to determine his injuries, their causes, the date of their occurrence and the instrument used to inflict them, showed that his injuries had occurred at a time prior to that at which he claimed to have been subjected to torture.

Muhammad Alawi Ali Abdul Muheimin

56. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

57. On 21 March 1992, the Minister of the Interior ordered his detention in the light of information to the effect that he and others intended to engage in acts of violence and terrorism against police premises. He was released, by order of the Higher State Security Court, on 16 June 1992.

58. He appeared before the Emergency Division of the Higher State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the court concerning his remand in custody at a place not intended for that purpose.

59. The detention order was executed at Turah holding prison.

60. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Hassan Mekkawi Hussein Mekkawi

61. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

62. He had previously been accused in misdemeanours case No. 7405 of 1979, Fayyum (assault on a private citizen), and was sentenced to two weeks' imprisonment.

63. He had previously been accused in case No. 2189 of 1989 (possession of explosives).

64. He had previously been accused in case No. 553 of 1992, registered as military felony case No. 6 of 1993 (terrorist plan to attack tourists), but was acquitted.

65. On 12 June 1992, he was detained by ministerial order in view of his increasing terrorist acts of aggression against public property and facilities.

66. The detention order was executed at Turah holding prison.

67. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Atiyya Ahmad Muhammad al-Sayyid (Abu Zaabal prison)

68. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

69. He had previously been accused in case No. 2495/1992 (possession of pamphlets) and, at that time, the Department of Public Prosecutions decided to remand him in custody pending investigation.

70. On 18 July 1992, the Minister of the Interior ordered his detention in the light of information to the effect that he and others intended to engage in acts of violence and terrorism.

71. He appeared before the Emergency Division of the State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the Court concerning his remand in custody at a place not intended for that purpose.

72. The detention order was executed at Turah holding prison.

73. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public prosecutions in this connection.

Midhat al-Sayyid Ahmad Hilal

74. He is a member of a terrorist organization that condones the use of violence and terrorism to impose its ideology and principles.

75. He had previously been accused in case No. 3211/93 (murder of a private citizen).

76. He used to be the leader of a student group that was in the habit of chanting hostile slogans at Asyut Secondary School for the Decorative Arts where he, together with others, attacked one of the teachers.

77. On 15 November 1991, a ministerial order was issued for his detention in view of his increasing acts of aggression against citizens. He was released, under the terms of a court order, on 16 December 1991.

78. He appeared before the Emergency Division of the State Security Court for the hearing of his appeal against the detention order and he lodged no complaint or report with the Court concerning his remand in custody at a place not intended for that purpose.

79. The detention order was executed at Turah holding prison.

80. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

II. Cases of alleged torture during trial

1. Sharif Hassan Ahmad
2. Ahmad Ibrahim Abdul Galil
3. Qasim Ibrahim Qasim Qutaish
4. Ala ed-Din Ismail Abbas
5. Muhammad Said Muhammad Abdu
6. Muhammad al-Sayyid Said
7. Amir Hamdi Salim
8. Hisham Mubarak Hassan

Sharif Hassan Ahmad Muhammad Hassan

81. Together with others, he was accused in military felony case No. 24/92 of participating in the foundation, establishment and leadership of a group that advocated action to obstruct implementation of the Constitution and the law and disrupted social harmony by calling for a different system of government, declaring the Head of State to be a heretic and condoning rebellion against him and the assassination of some government officials. Terrorism was one of the means used to achieve the objectives pursued by the group, which was found to be in possession of quantities of explosives, detonators, firearms and ammunition.

82. Like the other defendants in that case, he claimed to have been subjected to torture. The Court responded to this plea in their defence by disregarding the evidence obtained through torture.

83. On the basis of other evidence and confessions, the Court sentenced the above-mentioned accused person to death.

84. The sentence was carried out on 13 June 1993 after all the legally prescribed appeal procedures had been exhausted.

Qasim Ibrahim Qasim Qutaish - Ahmad Ibrahim Abdul Galil Mustafa - Ala ed-Din Ismail Abbas Ramadhan

85. They are members of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

86. They, together with others, were accused in military case No. 23/92.

87. During their trial, the defendants claimed to have been subjected to torture. The Court responded to their plea by disregarding the evidence obtained through torture.

88. In the light of other evidence and confessions, the Court sentenced the accused to terms of imprisonment.

Muhammad Said Muhammad Abdu

89. No record was found of any security measure taken against the above-mentioned person, who does not appear to have been previously indicted in any case heard by a military court.

Muhammad al-Sayyid Ahmad Said

90. He was accused in Higher State Security case No. 481/89 (membership of an illicit clandestine organization - the Egyptian Communist Workers' Party - which is seeking to overthrow the existing system of government).

91. He had previously been accused, together with others, of instigating a riot, assaulting prison guards, insulting the person of the Minister of the Interior and threatening prison officers and officials by saying that they intended to injure themselves and notify the Department of Public Prosecutions that they had been subjected to torture.

92. The Department of Public Prosecutions interviewed and questioned the above-mentioned person and observed traces of bruising on his right shoulder, together with some superficial wounds. He claimed to have been punched in the face, beaten on the sides and back with sticks, kicked in the neck and head, dragged along the ground and threatened with sexual assault, as a result of which he had suffered a fit of hysteria.

93. In view of the fact that he was working as a journalist, the Journalists' Association was informed and a representative of the Association and several lawyers were present while he was being questioned.

94. The Department of Public prosecutions referred him for a medical examination.

95. The Department of Public Prosecutions is continuing its inquiries with a view to establishing the truth.

96. It should be noted that the incidents in which he took part in prison were accompanied by acts of violence which led to injuries among their perpetrators and some of the guards.

Amir Hamdi Salim

97. He was accused in Higher State Security case No. 481/89 (membership of an illicit clandestine organization - the Egyptian Communist Workers' Party - which is seeking to overthrow the existing system of government).

98. He had previously been accused, together with others, of instigating a riot, assaulting prison guards, insulting the person of the Minister of the Interior and threatening prison officers and officials by saying that they intended to injure themselves and notify the Department of Public Prosecutions that they had been subjected to torture.

99. The Department of Public Prosecutions questioned the above-mentioned person and observed traces of abrasions on his legs and back. He stated that they had been caused by punches, kicks and blows from sticks.

100. In view of the fact that he was working as a lawyer, the Lawyers' Union was informed of his arrest and several lawyers were present while he was being questioned.

101. The Department of Public Prosecutions referred him for a medical examination.

102. The Department of Public Prosecutions is continuing its inquiries with a view to establishing the truth.

103. It should be noted that the incidents in which he took part in prison were accompanied by acts of violence which led to injuries among their perpetrators and some of the guards.

Hisham Mubarak Hassan

104. He was accused in Higher State Security case No. 481/89 (membership of an illicit clandestine organization - the Egyptian Communist Workers' Party - which is seeking to overthrow the existing system of government).

105. He had previously been accused, together with others, of instigating a riot, assaulting prison guards and threatening to injure themselves and notify the Department of Public Prosecutions that they had been subjected to torture.

106. The Department of Public Prosecutions interviewed and questioned the above-mentioned person and observed a wound on his left wrist and abrasions on his back. He stated that he had been struck on the rear part of his head and on his back with bamboo canes.

107. The Department of Prosecutions referred him for a medical examination.

108. The Department of Public Prosecutions is continuing its inquiries with a view to establishing the truth.

109. It should be noted that the incidents in which he took part in prison were accompanied by acts of violence which led to injuries among their perpetrators and some of the guards.

III. Cases of alleged torture during detention

1. Muhammad Mu'tazz Ali Abdul Karim
2. Hanna Ali Farrag
3. Ahmad Ismail Mahmoud
4. Muhammad Khalaf Youssuf
5. Adel Sayyid Qasim Shaaban
6. El-Shazli Ebeid El-Saghir
7. Amer Abdel Moneim Gamal ed-Din
8. Mahmoud Geheimi al-Saadawi
9. Muhammad Ali Muhammad Ali

Mu'tazz Ali Abdul Karim Abdul Ghani

110. An order for his detention was issued on 6 September 1990 on the ground of his membership of a clandestine terrorist organization that was engaging in acts of violence and terrorism to propagate its extremist ideology and beliefs and his participation, together with others, in the instigation of intercommunal strife and an attack on the person and property of a member of the Christian community.

111. During his appearance in court at a hearing that was attended by his lawyer, he did not lodge any complaint or report concerning his subjection to assault or torture.

112. On 1 January 1990, the Higher State Security Court issued an order for his release, which was duly implemented.

113. No record was found of the submission of a complaint or report by the above-mentioned person or his lawyer concerning his subjection to assault or torture during the period of his detention.

Hanna Ali Farraq Abdul Karim

114. No security measures have been taken against her and she has not submitted any reports concerning her detention or subjection to torture.

115. In view of the lack of precise information in this regard, it was impossible to ascertain whether the above-mentioned person or her relatives had submitted a complaint to the Department of Public Prosecutions in this connection.

116. It should be noted that terrorists have previously instructed their sisters and wives to claim that they had been subjected to police harassment during search and arrest operations, particularly in view of the special status that women enjoy under the customs and traditions prevailing in the country.

Ahmad Ismail Mahmoud Salama

117. He is a member of an illicit clandestine organization which condones the use of violence and force to impose its ideology and principles.

118. Information received indicated that he was in contact with one of the members of the Jihad organization who had been arrested and charged in Higher State Security case No. 546/90 (assassination of Dr. Rifaat al-Mahgoub and his bodyguards).

119. An order for his detention was issued on 20 November 1990 after it had been ascertained that he had indeed been in contact with members of that organization and was involved in the above-mentioned incident.

120. He was visited by a delegation from the Medical Association on 10 December 1990 during the period of his detention.

121. A ministerial order for his release was issued on 2 February 1991 and the necessary measures were taken pursuant thereto.

122. No record was found of the submission of a complaint or report by the above-mentioned person or his lawyer concerning his subjection to assault or torture during the period of his detention.

123. It was decided to send a copy of the judgement handed down in the above-mentioned case, together with the record of the court proceedings, to the office of the competent Public Prosecutor so that they could be added to the case file with a view to the rapid completion of the investigation and the announcement of its results in the light of the references made in that judgement and in the record of the proceedings to the allegations of torture inflicted on the persons accused in the said case.

Muhammad Khalaf Youssuf Abdul Rahman Zayid

124. He is a member of a clandestine terrorist organization that engages in acts of violence and assault with a view to imposing its extremist ideology and principles.

125. He was accused in administrative case No. 1602 of 1993, Aswan, Precinct (incidents at the Rahman Mosque - resisting the authorities).

126. At that time, the Department of Public Prosecutions ordered his remand in custody for 15 days pending investigation and subsequently ordered his release on 16 June 1993.

127. No record was found of the issue of an order for his detention or of any security measure taken against him in 1990 as indicated in the report.

Adel Sayyid Qasim Shaaban

128. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its ideology and beliefs.

129. He was referred for trial, together with others, in Higher State Security case No. 546/90 (assassination of the former Speaker of the People's Assembly and his escort) on charges relating to participation in a criminal conspiracy, the commission of felonious acts prejudicial to public order and security and other acts intended to prepare and facilitate the commission thereof, as well as the commission of crimes of premeditated murder, ambushing the former Speaker of the People's Assembly and a number of his bodyguards, procurement and possession of weapons, ammunition, explosives, detonators and equipment for the deliberate destruction of the property of others, and falsification of official documents.

130. Before questioning him, the Department of Public Prosecutions observed traces of bruises on his left forearm and red marks on the left side of his neck. He said that he felt pain in his back and left hand and claimed to have been punched on the face, back and abdomen and struck on the head with sticks.

131. The Department of Public Prosecutions referred him to the Department of Forensic Medicine, the report of which indicated that his wrists had been injured by metal handcuffs and he bore traces of two wounds caused by bodily contact with an electric current. He was referred again to the Department of Forensic Medicine and, on that occasion, the report affirmed that the bones in his wrists had not been damaged and the injuries to his two upper limbs could have been caused by pressure and traction that would result if a person were suspended by his arms placed behind his back.

132. The entire case, in all its aspects and including the allegations made by the said person and other defendants concerning their subjection to assault or torture, is still being heard by the judiciary and the action to be taken will depend on the findings of the competent court concerning the validity or invalidity of their allegations concerning torture.

133. It is noteworthy that the said person's resistance against the force assigned to arrest him caused injuries to himself and also to some members of that force.

134. It was decided to send a copy of the judgement handed down in the above-mentioned case, together with the record of the court proceedings, to the office of the competent Public Prosecutor so that they could be added to the case file with a view to the rapid completion of the investigation and the announcement of it results in the light of the references made in that judgement and in the record of the proceedings to the allegations of torture inflicted on the persons accused in the said case.

El-Shazli Ebeid El-Saghir, whose real name is Shazli El-Saghir Ebid Ali

135. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its ideology and beliefs on society.

136. The Minister of the Interior ordered his detention on 29 September 1991 in view of his increasing engagement in hostile terrorist activity, but he was released on 11 November 1991.

137. He had previously been accused in administrative case No. 241 of 1991, Safaga, (explosion of a hand-grenade, which led to the death of an extremist while he was preparing it).

138. A plan that he had previously formulated to attack a religious establishment had been thwarted.

139. During his appearance before the Department of Public Prosecutions, he claimed to have been assaulted and injured. He was therefore sent for a medical examination. According to the report drawn up by the Department of Forensic Medicine, he exhibited no trace of injury and it could not be ascertained whether he had been tortured. The investigations conducted by the Department of Public Prosecutions concluded that all suspicions concerning the commission of that crime should be removed from the case file, which was closed on 3 January 1992.

Amer Abdel Moneim Muhammad Ali

140. He is a leading and active member of a clandestine terrorist organization that engages in acts of violence and terrorism to achieve its illicit aims, which are contrary to Egypt's Constitution and legislation.

141. He had been detained on 4 January 1989 (in accordance with Act No. 162 of 1958) in the light of confirmed information concerning his involvement in the sheltering and concealment of terrorists, but he was released on 15 February 1989 by order of the Higher State Security Court.

142. He was arrested on 20 July 1992 in accordance with a warrant issued by the Department of Public Prosecutions, which questioned him and charged him with being in possession of pamphlets that expressed opposition to the country's existing system of government and incited the population to regard it with abhorrence and contempt. The Department ordered his remand in custody pending investigation, but subsequently authorized his release on 16 August 1992.

143. On 8 August 1992, during his remand in custody (by order of the Department of Public Prosecutions), his lawyer submitted a complaint to the Assistant Attorney-General concerning his client's ill-treatment, subjection to psychological pressure and deteriorating state of health in prison.

144. When the above-mentioned journalist was questioned about the content of his lawyer's complaint, he denied that he had been subjected to any psychological pressure and said that he was in excellent health. The injuries to his left wrist were attributed to the metal handcuffs from which he had attempted to extract his hand. The Assistant Attorney-General was duly informed of the findings of the investigation.

145. The above-mentioned person was visited in prison, at frequent intervals, by lawyers, journalists and numerous colleagues and relatives, as well as a delegation from the Press Association which testified before the prison administration that the persons remanded in custody were being well-treated.

146. His lawyer once again submitted a complaint to the Office of the Attorney-General, in which he alleged that his client had been subjected to assault and torture during his remand in custody. However, neither he nor his lawyer have so far agreed to appear before the Director of Public Prosecutions who has been assigned to investigate that complaint.

147. The Department of Public Prosecutions is in the process of completing its inquiries so that action can be taken, in the light of its findings, in the case in question.

Mahmoud Geheimi al-Saadawai

148. The Department of Public Prosecutions was notified of the death of Mahmoud Geheimi al-Saadawi on 24 May 1992 after he had been escorted from prison and released.

149. Immediately after receiving that notification, a senior public prosecutor from the Office of the Attorney General went to the hospital to which the said person's body had been taken and immediately ordered a medical examiner to inspect the body in order to determine whether it bore any wounds and also to establish the cause of death. If that proved difficult, he was authorized to carry out an autopsy and draw up a report concerning the cause of death.

150. The forensic report on the findings indicated that death could have occurred as a result of an acute latent pathological condition, which the autopsy did not reveal, and the date of death was confirmed by the findings.

151. The medical examiner who carried out the autopsy and prepared the report was interviewed and testified to the soundness of the findings that he had recorded in his said report.

152. Muhammad Geheimi al-Saadawi, the brother of the deceased, was questioned and testified that his brother had previously suffered a heart attack in 1979. However, he had no knowledge of the cause of his brother's death or whether it was related to the heart attack that he had mentioned. He did not accuse anyone of causing his brother's death and his statements gave no indication of any awareness that his brother had been tortured or ill-treated.

153. During a subsequent discussion with the medical examiner, the latter confirmed that the said heart attack was undoubtedly the cause of the pathological condition to which he had referred in his statements.

154. None of the relatives of the deceased submitted any complaint indicating that he had been subjected to torture or expressing any doubts concerning the causes of his death.

Muhammad Ali Muhammad Ali

155. On 23 January 1993, he was arrested in flagrante delicto, together with another person, while they were stealing a car. They were charged in case No. 996 of 1993, Agouza.

156. He confessed to committing 12 previous offences of car theft in the governorates of Cairo and Giza and was referred to the offices of the competent public prosecutors in connection with the cases relating to the said thefts.

157. On 14 February 1993, while he was being questioned by the Department of Public Prosecutions in connection with the above-mentioned cases, he injured himself by injecting a syringe full of dirty water into his foot. The incident was recorded on the same day in Agouza police station report No. 69 and he was referred to the office of the public prosecutor at Agouza.

158. He has previous criminal records at Cairo and Giza, which show that he was arrested and convicted of 11 previous offences of car theft.

159. He received treatment at Manyal University Hospital until he was cured and, contrary to the allegation contained in the report, is currently attending physiotherapy sessions at the hospital in Turah penitentiary.

IV. Cases of alleged torture at State Security premises

1. Talaat Fuad Qasim
2. Muhammad Reshad Abdul Rahim al-Imam
3. Kassab Muhammad Abbas
4. Ahmad Thabit Farag Muhammad
5. Ahmad Fathi Hafiz
6. Atef Gamil Mahmoud
7. Fathiya Said Muhammad al-Kurd
8. Khalid Muhammad Ahmad Umar
9. Hani Abul-Magd Sabir Sayim
10. Khalid Said Mahmoud
11. Muhammad al-Sayyid al-Sayyid Hegazi
12. Muhammad Afifi Matar

Talaat Fuad Muhammad Qasim

160. He is a leading and active member of the Jihad terrorist organization and was previously sentenced to seven years' imprisonment in Higher State Security case No. 462/81 and placed under probation for five years (supplementary penalty). He was released on 8 September 1988.

161. On his release, he resumed his terrorist activity for that organization and, on 27 October 1988, failed to report to his probation officer (this was noted in Nag Hammadi misdemeanours report No. 3770/88). He was arrested on 9 November 1988 and an order was issued for his detention in view of his increasing terrorist activity. He was released on 11 January 1989 by order of the Higher State Security Court.

162. He was questioned by the Department of Public Prosecutions, which ordered his remand in custody pending trial in Higher State Security case No. 120/89 (instigation of disturbances and acts of violence and resisting the authorities in the district of Heliopolis). He was released on 26 April 1989.

163. On his release, he continued his terrorist activities, particularly by recruiting new members for the Jihad terrorist organization. An order for his detention was issued on 9 May 1989, but he was released on 26 June 1989.

164. On his release, he resumed his activity for that terrorist organization. An order for his detention was issued on 1 July 1989, but he was released on 24 August 1989. While he was being taken to El-Minya police station for the completion of the procedures for his release, he succeeded in escaping from his escort.

165. He was accused in military felony case No. 24/1992 (attempted assassination of some politicians and senior executive officials) and was sentenced to death in absentia. He is still a fugitive from justice.

166. He submitted no complaint to the Department of Public Prosecutions concerning his subjection to torture during the periods of his detention.

Muhammad Reshad Abdul Rahim al-Imam

167. He is a member of a clandestine terrorist organization and was detained on 1 June 1982 but subsequently released on 2 November 1982, after which he severed his links with that organization.

168. He was accused in Higher State Security case No. 469 of 1989 (illicit clandestine organization) and was remanded in custody pending trial in that case. However, he was released on 10 December 1989.

169. The Department of Public Prosecutions is still investigating all the incidents and allegations concerning that case and has not yet taken a decision thereon.

Kassab Muhammad Abbas Gad

170. He is a former policemen who, while on duty, incited some of his colleagues working with him to employ illegal methods to claim their rights (incitement to criminal conspiracy, disclosure of information and distribution of pamphlets).

171. Legal action was taken against him on 9 May 1988 and he was arrested pursuant to an order issued by the Department of Public Prosecutions, which referred him for trial in a criminal court on the charges brought against him. He was sentenced to a term of three years' imprisonment, which ended on 11 May 1991 (military police case No. 3 of 1988, judgement handed down on 28 May 1988 by the military court at Abu Numrus, Giza central district).

172. On 30 September 1989, the lawyer Muhammad Jabir, who is a member of the Arab Organization for Human Rights, visited him in prison with the permission of the Attorney General.

173. His relatives sent a number of complaints to the official State authorities, in which they requested his release but made no mention of his subjection to assault or torture. When these complaints were brought to his attention by the prison administration, he stated that his relatives had resorted to the submission of complaints in the belief that they might lead to his release.

Ahmad Thabit Faraq Muhammad

174. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

175. He was arrested on 16 October 1991 pursuant to a ministerial order issued in the light of his increasing acts of aggression. He was released on 16 December 1991.

176. Contrary to the statement made in the report, no record was found of the issue of an order for his detention on 27 November 1991, when he was already in prison pursuant to the above-mentioned ministerial order.

177. The order for his detention was executed at Turah holding prison.

178. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Ahmad Fathi Hafiz al-Dhayit

179. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to disseminate its extremist ideology and principles and also carries out attacks on citizens.

180. On 23 November 1991, a ministerial order for his detention was issued in view of his increasing acts of aggression against citizens, but he was released on 25 January 1992.

181. Neither he nor his lawyer submitted any complaint or allegation concerning his subjection to assault or torture during the period of his detention.

Atef Gamil Mahmoud, whose real name is Atef Gamil Mahmoud Umran

182. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its ideology and beliefs on society. On 25 September 1989, a ministerial order for his detention was issued in view of his increasing propaganda and recruitment activities in favour of a clandestine terrorist organization and his attempt, together with other members of that organization, to cause disturbances at the Agricultural Secondary School at El-Minya.

183. On 23 October 1989, a ministerial order was issued for his release with a view to safeguarding his future.

184. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Fathiya Said Muhammad al-Kurd

185. On 20 January 1992, a ministerial order was issued for her detention in view of her role in harbouring a fugitive wanted by the police.

186. A ministerial order for her release was issued on 22 June 1992.

187. While she was confined at the Qanatir al-Khairiya prison, the Women's Committee of the Human Rights Organization paid her a visit, during which she said nothing to the Committee's members concerning her alleged subjection to torture.

188. She does not refer to any proof or evidence to substantiate her allegations concerning torture.

189. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or her family submitted a complaint to the Department of Public Prosecutions in this connection.

Khalid Muhammad Ahmad Umar

190. He was arrested on 25 October 1991, with the prior authorization of the Department of Public Prosecutions, in connection with Higher State Security case No. 517/91. He was questioned by the Department of State Security Prosecutions, which charged him with possession of pamphlets and documents likely to disrupt public security. He was remanded in custody pending further investigation.

191. It is noteworthy that, at the time of his arrest, he attempted to get rid of some of the documents forming the subject of the above-mentioned charge by throwing them from the balcony of his house.

192. On 26 November 1991, the Deputy Public Prosecutor at Maadi went to Turah holding prison (where the person concerned was confined) in order to question him about a complaint submitted by his lawyer, in which it was alleged that he was not in the prison and had been subjected to torture at State Security premises, as a result of which he suffered injuries to various parts of his body. The Deputy Public Prosecutor at Maadi stated in his examination report that he had met with the person concerned in the prison and the said person had denied being subjected to torture. No injuries were observed on his body.

193. He was released on 28 November 1991.

Hani Abul-Maqd Sabir Sayim (who also uses another name, Abul-Maqd Hani Sabir Siyam)

194. He is a member of an illegal group that engages in clandestine activities.

195. On 25 October 1991, his house was searched with the permission of the Department of Public Prosecutions and a warrant for his arrest was issued when a large number of organizational documents concerning an illegal group were found therein.

196. On 28 October 1991, a ministerial order was issued for his detention in view of his increasing propaganda and recruitment activities in favour of an illegal group. He was released by order of the State Security Court on 12 November 1991.

197. The order for his detention was executed at Turah holding prison.

Khalid Said Mahmoud

198. He is a member of a clandestine terrorist organization that engages in acts of violence and terrorism to impose its extremist ideology and beliefs on society.

199. He had previously been accused in Higher State Security case No. 63/85 (distribution of pamphlets expressing opposition to the system of government).

200. He had previously been accused in Higher State Security case No. 431/86 (formation of a clandestine terrorist organization).

201. Contrary to the statement contained in the report, no record was found of the issue of an order for his detention on 16 November 1991.

202. In view of the lack of precise information in this regard, it was impossible to ascertain whether the said person or his family submitted a complaint to the Department of Public Prosecutions in this connection.

Muhammad al-Sayyid al-Sayyid Heqazi

203. He is a leading member of a clandestine terrorist organization and was accused in Higher State Security case No. 496/91 (formation of a clandestine organization for the purpose of engaging in acts of aggression, and possession of explosives).

204. He was arrested and detained during the period from 18 August 1991 to 15 September 1991 when all the requisite evidence had been collected for his conviction in the said case. He was brought before the Department of Public Prosecutions on 16 September 1991, since he claimed to have been tortured by being struck with sticks, subjected to electric shocks and beaten on a previously injured part of his body. The Department of Public Prosecutions observed an old gash, which had healed, on the fore part of his left foot and decided to refer him to the Department of Forensic Medicine, which drew up a report that mentioned traces of an old cicatrized wound, as well as scars left by surgical sutures. No traces of other wounds were observed and it was stated that his injury could have been caused by bumping into a sheet of glass. The Department decided to issue an order for his remand in custody, which was renewed on the expiration of the legally stipulated time-limits until his release was ordered on 16 March 1992.

205. He made a written administrative complaint No. 369/92 at Duqqi police station, in which he claimed to have been assaulted and tortured during his remand in custody. The Department of Public Prosecutions is still investigating that complaint and has referred him to the Department of Forensic Medicine for a medical examination.

206. The Department of Public Prosecutions is pursuing its inquiries in connection with that case with a view to establishing the truth.

Muhammad Afifi Matar

207. On 2 March 1991, an order was issued for his detention in the light of confirmed information to the effect that he was involved in clandestine opposition activity, on behalf of another country, which was prejudicial to the higher national interests of the State.

208. His detention was ordered with a view to protecting Egypt's national security from the external threats to which it was exposed as a result of his evident political position in regard to the Gulf crisis.

209. He was released on 12 May 1991 by order of the Higher State Security court.

210. Although some of his colleagues, authors of literary works, made numerous applications to visit him, all of which were approved, he refused to see them, on principle, for his own personal reasons.

211. On 2 April 1991, the Egyptian Organization for Human Rights (which was in the process of being established) submitted a complaint to the Department of Public Prosecutions, which was referred to the office of the competent public prosecutor for the necessary legal action. However, even though he had been released, he failed to appear before the public prosecutor in spite of being invited to do so on several occasions.

212. His lawyer lodged a claim for compensation against the Minister of the Interior on the ground that his client had been subjected to assault and torture, in addition to the psychological harm that this caused, during his detention. The complaint is still being heard by the courts.

213. The Office of the Attorney-General began its investigation of his complaint, since he claimed to have been subjected to torture, of which he gave details, although he subsequently stated that, shortly before he was tortured, he had been given an unknown drug that deprived him of his sight, hearing and all sense of time and place and left him in a state of mental turmoil and confusion. Nevertheless, at a later stage, he gave details of the manner in which he had been tortured, although he did not accuse a specific person of committing those acts of torture.

214. He denied that he had requested the administration of the prison in which he was confined to refer him to a physician for the purpose of determining the nature of his injuries. He justified his failure to do so by saying that he was awaiting a visit from his lawyer. He subsequently stated that he had not submitted a complaint after his release because he had left that matter to his lawyer. He added that he had consulted a psychiatrist, who was a friend of his, in order to obtain treatment. However, he had told that friend nothing about the acts of torture. He also said that he had not been in contact with his lawyer since his release. He affirmed that he was tortured because he had refused to cooperate with the State Security officials who, after his release, had on several occasions requested him to appear before them, which he had refused to do.

V. Cases of alleged death in prison

1. Muhammad Mahmoud Shaikh (Somali)
2. Talib Bakir Qaldash (Turkish)

Muhammad Mahmoud Shaikh (of Somali nationality)

215. From 7 December 1983, he was confined at Qanatir (men's) prison where he was serving a sentence of penal servitude for life that had been imposed on him in case No. 83 of 1983 (smuggling of drugs into Egyptian territory).

216. He died at Manyal University Hospital on 30 November 1991 following a deterioration in his state of health. The medical report stated that death was due to distension of the spleen and a sharp drop in blood pressure.

217. It should be noted that the Medical Section of the Prisons Department decided to send him to Manyal University Hospital in view of the deterioration in his general state of health and his previous affliction with distension of the spleen, even though he had regularly taken the medication with which the prison administration supplied him to treat that disease.

218. Contrary to the statement contained in the report, the penalty of flogging had not been imposed on him at any time during his imprisonment.

Talib Bakir Qaldash (of Turkish nationality)

219. From 15 December 1983, he was confined at Qanatir (men's) prison, where he was serving a sentence of penal servitude for life that had been imposed on him in Gamaliya felony case No. 200 of 1983 (smuggling of drugs into Egyptian territory).

220. On 29 July 1991, he committed suicide in his cell by tying his clothes to the window, placing his neck inside them and letting his body drop. Administrative report No. 36 of 1991 was drawn up in this connection and the medical examiner was requested to determine the cause of death by order of the Department of Public Prosecutions, which began an investigation and finally classified the incident as a case of suicide.

221. The medical report stated that his death was caused by asphyxia brought about by suffocation and his embassy was duly notified.

222. There was no evidence of his subjection to assault or ill-treatment by any of the staff at Qanatir (men's) prison in which he was confined, together with other convicts, in a cell block.

223. On 30 July 1991 (after his death by suicide), the prison administration received a letter from the Ministry of Foreign Affairs indicating that our embassy at Ankara had received a request on 28 July 1991 from Mehmet Qaldash, a Turkish national, to the effect that his nephew, Talib Bakir Qaldash, who was in prison in Egypt, should be placed under surveillance in view of the fact that his family had received a letter from him in which he said that he would attempt to commit suicide on 29 July 1991 because he had not been visited by any of his relatives.

Details of financial compensation awarded by the courts to the victims against officers convicted in cases heard during the period from 1987 to 1993

No.	Case No.	Subject matter of case	Judgement handed down
1.	Claim No. 2407 of 1987 brought by Muhammad Fawzi Ahmad	Claim for financial compensation in respect of a permanent disability caused by an officer	LE 20 000 awarded to the claimant
2.	Claim No. 1067 of 1988 brought by Atef Muhammad Abdul Wahid	Claim for financial compensation in respect of his unlawful arrest and subjection to assault by an officer	LE 1 000 awarded to the claimant
3.	Claim No. 35 of 1988 brought by Khalid al-Said al-Saqfa	Claim for financial compensation in respect of a beating and injuries caused by an officer	LE 2 172 awarded to the claimant
4.	Claim No. 1277 of 1988 brought by Abdul Fattah Fathul-Bab Qalmash	Claim for financial compensation in respect of brutal treatment and injuries caused by an officer abusing his authority	LE 4 305 awarded to the claimant
5.	Claim No. 16481 of 1990 brought by Muhammad Abdul Ghani Abdul Aziz	Claim for financial compensation in respect of a wound caused to his son by a bullet fired from an officer's pistol	LE 12 000 awarded to the claimant
6.	Claim No. 1691 of 1990 brought by Abdul Salam Abul-Ala	Claim for financial compensation in respect of medically certified injuries inflicted on the student by an officer	LE 19 787 awarded to the claimant
7.	Claim No. 123 of 1991 brought by Sami Hassan Abbas and Abbas Hassan Abbas	Claim for financial compensation in respect of assault on their persons and medically certified injuries inflicted by an officer	LE 11 000 awarded to the claimants
8.	Claim No. 2352 of 1991 brought by Yahya Abdul Al Muhammad	Claim for financial compensation in respect of assault on his person and injuries inflicted on him by two officers	LE 10 000 awarded to the claimant

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